

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN REGINALD MCGATHON,

Plaintiff,

v.

D PETROVIC, et al.,

Defendants.

Case No. [14-cv-00028-JSC](#)**ORDER DENYING DEFAULT
JUDGMENT; GRANTING EXTENSION
OF TIME; DENYING APPOINTMENT
OF COUNSEL**

Dkt. Nos. 40, 42

Plaintiff, a California prisoner proceeding pro se, filed this pro se civil rights action pursuant to 42 U.S.C. § 1983. On November 14, 2014, Defendants filed a motion for summary judgment. Plaintiff has filed a motion for default judgment on the grounds that Defendants did not comply with the deadline for filing the summary judgment motion. Defendants timely filed their motion. Plaintiff's motion for default judgment is DENIED.

Plaintiff has also filed a motion for appointment of counsel and a motion to extend the deadline for filing an opposition. Plaintiff previously filed a motion for appointment of counsel. The motion was denied and the Court informed Plaintiff that it will, on its own initiative, refer the case for identification of pro bono counsel if and when the circumstances of the case warrant such appointment. This means that Plaintiff should not continue to ask for appointment of counsel. Plaintiff's renewed motion is DENIED. Circumstances do not yet warrant referral for location of pro bono counsel at this time.

Good cause appearing, Plaintiff's motion for an extension of time in which to file an opposition to the motion for summary judgment, to and including January 14, 2015, is

1 GRANTED. In accordance with the Order of Service, Defendants shall file a reply brief no later
2 than 14 days after the opposition is filed. All other provisions of the Order of Service remain in
3 effect.

4 **IT IS SO ORDERED.**

5 Dated: December 12, 2014

6 
7 JACQUELINE SCOTT CORLEY
8 United States Magistrate Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California